

Message Text

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ACTION EUR-12

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FM AMEMBASSY BELGRADE

TO SECSTATE WASHDC 4502

INFO AMCONSUL ZAGREB

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E.O. 11652: N/A

TAGS: CASC, CPAS, YO

SUBJECT: WARNING TO YUGOSLAV DUAL NATIONALS

1. AS DEPARTMENT AWARE, FOR AT LEAST LAST 6-8 YEARS, EMBASSY AND CONGEN ZAGREB HAVE BEEN FACED WITH SERIOUS PROBLEM OF OBTAINING CONSULAR ACCESS TO AMERICAN CITIZENS OF YUGOSLAV ORIGIN WHO FOR ONE REASON OR ANOTHER HAVE BEEN TAKEN INTO CUSTODY BY YUGOSLAV AUTHORITIES. EMBASSY HAS MADE REPEATED EFFORTS TO CONVINCE GOY OF NEED FOR SPECIAL AGREEMENT WHICH WOULD EFFECTIVELY DEAL WITH PROBLEM OF DUAL NATIONALS OR A NEW CONSULAR CONVENTION WHICH WOULD INCORPORATE SUCH PROVISIONS. GOY RESPONSE WAS THE 1974 PRO MEMORIA WHICH WAS DESCRIBED AT TIME AS "DEFINITIVE" WORD ON SUBJECT; SAME TERMINOLOGY HAS BEEN USED IN RESPONSE TO EMBASSY INQUIRIES IN SEVERAL RECENT CASES, INCLUDING TOTH CASE.

2. AFTER ISSUANCE OF PRO MEMORIA AND GOY REFUSAL TO

CONSIDER ANY REVISIONS, EMBASSY AND DEPARTMENT AGREED TO WAIT AND SEE HOW INDIVIDUAL CASES WOULD BE HANDLED UNDER PRO MEMORIA. IN PRACTICE YUGOSLAVS HAVE DENIED US ACCESS
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TO DETAINED EUAL NATIONALS IN ALL BUT MOST OBVIOUS NON-

POLITICAL CASES.

3. EMBASSY BELIEVES IN LIGHT OF THIS EXPERIENCE AND PARTICULARLY IN LIGHT OF PRESENT TOTH CASE THAT TIME HAS COME TO ISSUE WARNING TO ALL U.S. YUGOSLAV DUAL NATIONALS THAT WHILE IN YUGOSLAVIA THEY WILL BE CONSIDERED AND TREATED ONLY AS YUGOSLAV CITIZENS BY GOY, AND THAT SHOULD THEY BE DETAINED BY GOY, PROBABILITY IN THAT EMBASSY WOULD NOT BE PERMITTED TO OFFER THEM COTSULAR PROTECTION TO WHICH THEY MAY PRESUME THEIR PRIMARY LOYALTY TO U.S. ENTITLES THEM. AT A MINIMUM, PRESENT GENERAL INFORMATION FOR DUAL NATIONALS CONTAINED IN PASSPORT OFFICE PUBLICATION "TR BEL TO EASTERN EUROPE AND ALBANIA" NEEDS TO BE REVISED TO INCLUDE SPECIAL SECTION ON YUGOSLAVIA. HOWEVER, IT WOULD BE PREFERABLE TO HAVE PASSPORT OFFICE ISSUE SEPARATE INFORMATION SHEET FOR DUAL NATIONALS OF YUGOSLAV ORIGIN TRAVELING TO YUGOSLAVIA AND TO HAVE THIS INFORMATION GIVEN TO ALL PASSPORT APPLICANTS LISTING BIRTH IN YUGOSLAVIA. ALL U.S. CITIZENS OF YUGOSLAM ORIGIN INQUIRING ABOUT POSSIBLE DIFFICULTIES SHOULD ALSO BE GIVEN THIS INFORMATION.

4. DEPARTMENT SHOULD ALSO CONSIDER WHAT STE S MIGHT BE TAKEN TO ENCOURAGE U.S. CITIZENS OF YUGOSLAV ORIGIN TO VOLUNTARILY RENOUNCE THEIR YUGOSLAV CITIZENSHIP. WE UNDERSTAND THAT THIS IS SOMEWHAT COMPLICATED AND TIME-CONSUMING PROCESS. SOME DUAL NATIONALS MIGHT NOT BE RECEPTIVE OF ENCOURAGEMENT TO GIVE UP THEIR YUGOSLJV CITIZENSHIP VOLUNTARILY; BUT MANY OTHERS MAY NOT EVEN HAVE CONSIDERED THIS POSSIBILITY.

5. EVEN ISSUANCE OF A WARNING TO THESE DUAL NATIONALS WILL NOT COMPLETELY SOLVE PROBLEM, AS WARNING WOULD NOT REACH SOME DESPITE OUR BEST EFFORTS; OTHERS WILL IGNORE IT. HOWECER, IT IS EVIDENT THAT THIS IS SERIOUS PROBLEM AND EMBASSY BELIEVES AT VERY LEAST USG HAS RESPONSIBILITY OF WARNING THESE CITIZENS OS POSSIBLE PROBLEMS THEY COULD ENCOUNTER. DEPARTMENT REACTION TO SUCH SUGGESTIONS IN PAST HAS BEEN LESS THAN LIMITED OFFICIAL USE

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ENTHUSIASTIC WHILE CONCEDING THAT FAILURE TO ACHIEVE PROGRESS TMWARD AGREEMENT ON ACCESS QUESTION WOULD "DICTATE BEEFING UP OF WARNINGS TO POTENTIAL TRAVELERS TO YUGOSLAVIA." EMBASSY STRONGLY BELIEVES THAT PRESENT

CONDITIONS MORE OF AN IRRITANT IN BILATERAL RELATIONS, AT LEAST FROM USG POINT OF VIEW, THAN WARNING MIGHT BE.

6. IDEAL SOLUTION TO THIS PROBLEM, NAMELY, NEW
AGREEMENT GUARANTEEING CONSULAR ACCESS TO ALL U.S.
CITIZENS, INCLUDING DUAL NATIONALS, IS OUT OF REACH
AT PRESENT TIME GIVEN GOY'S REPEATED REFUSAL TO
CONSIDER ANYTHING
BEYOND PRO MEMORIA.

7. SEPTTEL FOLLOWS WITH SUGGESTED LANGUAGE FOR WARNING.
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